

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**TRI-CITIES HOLDINGS LLC, JANE DOE  
NOS. 1-2, AND JOHN DOE NOS. 1-6,**

**Plaintiffs,**

**v.**

**TENNESSEE HEALTH SERVICES AND  
DEVELOPMENT AGENCY; CITY OF  
JOHNSON CITY, TENNESSEE; JOHNSON  
CITY BOARD OF COMMISSIONERS; AND  
JOHNSON CITY BOARD OF ZONING  
APPEALS,**

**Defendants.**

**Civil Action No. 3:13-cv-00669  
Judge Haynes**

---

**TENNESSEE HEALTH SERVICES AND DEVELOPMENT AGENCY’S  
MOTION FOR AN EXTENSION OF TIME TO  
RESPOND TO MOTION FOR PARTIAL SUMMARY JUDGMENT [Doc. 38]**

---

The State Defendant, Tennessee Health Services and Development Agency (“HSDA”), hereby respectfully requests that the Court grant it additional time to respond to the Plaintiffs’ Motion for Partial Summary Judgment, which, along with a supporting memorandum of law and voluminous exhibits, declarations, and seventy-eight (78) alleged “undisputed material facts,” was filed over a two day period on August 28 and 29, 2013. [Docs. 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57]. The State Defendants’ response to the motion is presently due on September 18, 2013.

For reasons that are set out in the Memorandum Brief [Doc. 68] accompanying the Johnson City Defendants’ Motion for Additional Time to Respond to the Motion for Partial

Summary Judgment [Doc. 67], which the HSDA adopts as reasons for its own request for additional time, the HSDA seeks an order that (1) excuses the HSDA from responding to the Motion for Partial Summary Judgment on September 18, 2013; and (2) rules that if the pending Motion for Change of Venue is denied, this Court will address at the Initial Case Management Conference a deadline for the HSDA's response to the Motion for Partial Summary Judgment. That deadline should take into account the need for some discovery to respond to the Plaintiffs' motion, and the enormous volume of exhibits, declarations and alleged "undisputed material facts" to which the HSDA must respond.

Respectfully submitted,

ROBERT E. COOPER, JR.  
Attorney General and Reporter

s/Sue A. Sheldon  
SUE A. SHELDON (TN BPR # 015295)  
Senior Counsel  
SARA E. SEDGWICK (TN BPR # 004336)  
Senior Counsel  
Office of the Tennessee Attorney General  
P. O. Box 20207  
Nashville, Tennessee 37202  
(615) 741-2640

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on the following counsel of record through the Electronic Filing System on this 12th day of September, 2013:

Rick Piliponis, Esq.  
116 Third Avenue, South  
Nashville, Tennessee 37201

James A. Dunlap Jr., Esq.

James A. Dunlap Jr. & Assoc. LLC  
301 Windsor Gate Cove NE  
Atlanta, Georgia 30342

K. Erickson Herrin  
HERRIN, BOOZE & McPEAK  
515 E. Unaka Avenue  
Johnson City, Tennessee 37601

s/Sue A. Sheldon  
SUE A. SHELDON